



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,525	02/03/2001	Daniel W. Gentry	1720-2000	5222

7590 02/09/2004

JAMES F HARVEY  
HARVEY & ASSOCIATES, PC  
3750 WEST MAIN STREET  
SUITE 122  
NORMAN, OK 73072-4645

EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/776,525

Applicant(s)

GENTRY, DANIEL W.

Examiner

Jamisue A. Webb

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numeral 15, mentioned on page 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference numeral 9 in Figure 1, and numerals 40 and 41 in Figure 4. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the routing hub transmitting status messages to the delivery service and to the webpage must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. With respect to Claim 11: the phrase "said tamper-proof enclosure further comprises a remote control to send said specified code to said tamper-proof enclosure" is indefinite. It is unclear if and how the tamper-proof enclosure is sending a code to itself.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 11, 13-20, 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Shannon (US 2001/0045449).

9. With respect to Claims 1, 13 and 26: Shannon discloses the use of a tamper-proof enclosure (10a), having an opening controlled by a customer specified access code (see abstract

Art Unit: 3629

and page 5, paragraph 0039). Shannon discloses the purchaser orders a good over the internet, where the carrier would then request delivery of a carrier, a temporary access code would be created by the purchases and then the invoice, along with the code would be transmitted to the commercial carrier, the carrier than delivers the order to the secure location where the access code is used to open the storage container (page 5, paragraph 0039).

10. With respect to Claim 3: It is inherent that the customer information includes the location of the tamper-proof enclosure, due to the fact that the carrier has to know the location in order to make a delivery there.

11. With respect to Claim 11, 17-19: Shannon discloses the locking device can be activated using an input device that uses infrared data. The examiner considers a device that sends data using infrared technology to be a remote device, due to the fact that infrared is a wireless data link. Therefore the examiner considers Shannon to disclose the use of a remote control.

12. With respect to Claim 14: See page 4, paragraph 0034.

13. With respect to Claims 15, 16 and 27: See Page 3, paragraph 0028.

14. With respect to Claim 20: Shannon discloses the storage device may either be free-standing or incorporated into any existing structure such as a bench, planter, statue or wall (see page 3, paragraph 27).

15. With respect to Claims 23 and 24: See Page 3, paragraph 0027.

16. With respect to Claim 25: Shannon discloses the storage box is used for goods that is shipped by a common carrier service, therefore is capable of receiving a large package through the mail and therefore functions as a mail box.

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (US 2001/0045449).

19. With respect to Claim 2: Shannon does not specifically say that purchaser information contains a name and address. However it is old and well known in the art that in order to make any sort of catalog, phone or Internet purchase, especially using a credit card, the customer must give his/her name and address as it exactly appears on the credit card and billing statement. Therefore it is obvious to one having ordinary skill in the art at the time the invention was made that the customer profile information of Shannon, includes the customer's name and address.

20. Claims 4-10, 12, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (US 2001/0045449) in view of Huxter (2002/0103663).

21. With respect to Claims Shannon, as disclosed above for Claims 1 and 26, disclose the use of a delivery storage box, with a transmitter that transmits status data, including a delivery confirmation, to a pager, or a PDA or a computer (See Shannon, page 3, paragraph 0028), but fails to specifically disclose the use of a router which sends the status information to the customer as well as the delivery company. Huxter discloses the use of a hub (1099) that receives status information then routes the information (341) to the customer, letting them know the

Art Unit: 3629

delivery is ready for pickup, as well as sends the delivery confirmation (340) to the delivery company (see Figures 8, 10 and 10a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the status of the storage device of Shannon, to be sent to the hub/router where it is then sent to the customer as well as the delivery company, as disclosed by Huxter, in order to provide a delivery method that facilitates a secure process of delivering goods (See Huxter, page 2).

22. With respect to Claim 12: See Huxter Page 2, paragraph 0025.

23. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (US 2001/0045449) in view of Huang (4,520,350).

24. Shannon, as disclosed above for Claim 13, discloses the use of the tamper-proof enclosure, that is attached to structures such as a wall, planter, or bench, but fails to use a bolt and a flange to attach the box. Huang teaches that it is old and well known to use attachment means such as flanges and bolts to attach mailboxes to standing structures (14,16,18, column 2, lines 40-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the box of Shannon, be attached to the structures using a flange and/or bolts, as disclosed by Huang, due to the fact that it is old and well known in the art that bolts and flanges are used to attach one structure to another.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujiwara (US 2001/0018669) discloses the use of an e-commerce delivery system,

Art Unit: 3629

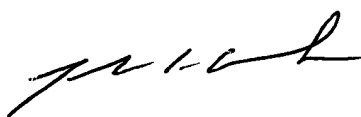
Moskowitz et al. (6,483,433) discloses the use of a method for sending delivery receipts, Mandel et al. (5,308,058) discloses the use of sorting mail into secure bins, Gramlich (US 2001/0040422) discloses the use of a locked parcel keeper, Hansen (US 2002/0156645) discloses the use of a computer network used to control secure delivery and pick-up, Stevens (WO 02/19092) discloses the use of a wireless key used to gain entry to a secure receptacle used to receive delivered, and goods, IBM technical disclosure Bulletin, November 2000 (Issue 439), discloses a computerized, secure, automatic parcel delivery system for unattended retrieval of internet or mail order parcels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jamisue Webb

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600